

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE SUBPOENA TO ROBERT E.  
MALEczKA, JR.

Case No.: 2:23-MC-50643

Chief Judge Sean F. Cox  
Magistrate Judge Anthony P. Patti

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**OPINION & ORDER OVERRULING DEFENDANT'S OBJECTIONS TO  
MAGISTRATE JUDGE PATTI'S APRIL 27, 2023, ORDER [ECF No. 16]**

This matter stems from a patent infringement case brought by Plaintiff Vitaworks, LLC (“Vitaworks”) LLC, against Defendants Glanbia Nutritionals (NA), Inc., et al. (“Defendants”). The matter currently before the Court is Defendants’ Objection to Magistrate Judge Patti’s Opinion and Order Granting Non-Party Robert E. Maleczka Jr.’s (“Maleczka”) Motion to Quash Subpoena Seeking Deposition Testimony. (ECF No. 18). In that motion, Defendant contests Magistrate Judge Patti’s findings in his April 27, 2023, Order. (ECF No. 39). The parties have fully briefed the issues. For the following reasons, the Court **OVERRULES** Defendants’ objections.

In the April 27, 2023, Order, Magistrate Judge Patti held that Maleczka’s motion to quash the subpoena seeking deposition must be granted consistent with Fed. Rules of Civ. P. 26(b)(4)(B & C) and 45(d)(1) & (3)(A)(iii)(iv) & (B)(ii). The Court “engaged in the required balancing and [found] that even if Maleczka [had] some factual information, the additional burden to him outweighs the remote possibility that the information he has is other than largely tangential.” (ECF No. 16, PageID.1393).

Pursuant to Fed. Civ. P. R. 72(a) “[t]he district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” This Court sees no such error or evidence that any part of the Magistrate Judge’s decision was contrary to law.

As the Court agrees with the well-reasoned order of Magistrate Judge Patti dated April 27, 2023, [ECF No. 16] King’s objections are **OVERRULED**.

**IT IS SO ORDERED.**

Dated: July 6, 2023

/Sean F. Cox

Sean F. Cox

U. S. District Judge